

House File 101

HOUSE FILE _____
BY JACOBS, GIPP, and BOAL

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to electioneering communications and making
2 penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1940YH 82
5 jr/je/5

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1 1 Section 1. NEW SECTION. 68A.401A ELECTIONEERING
1 2 COMMUNICATIONS.
1 3 1. "Electioneering communication" means a print, radio,
1 4 televised, or electronic communication in any form or content,
1 5 which is intended for the general public or a segment thereof,
1 6 that refers to a clearly identified candidate for elected
1 7 public office, if the communication has the effect of
1 8 encouraging or discouraging a vote for the candidate,
1 9 regardless of whether the communication expressly advocates a
1 10 vote for or against the candidate, and is made within fourteen
1 11 days before a primary, general, or special election for the
1 12 public office sought by the candidate.
1 13 2. An organization that engages in electioneering
1 14 communications shall be designated as an electioneering
1 15 committee.
1 16 3. An electioneering committee shall file a statement of
1 17 organization with the board prior to making an electioneering
1 18 communication. The statement of organization shall comply
1 19 with the provisions of section 68A.201.
1 20 4. An electioneering committee shall file a report with
1 21 the board within forty-eight hours of making an electioneering
1 22 communication. Reports filed under this section shall be
1 23 filed using the board's electronic filing system. The report
1 24 shall include all of the following:
1 25 a. The name and mailing address of each person who gave a
1 26 contribution of money, in-kind contribution, or a loan to the
1 27 electioneering committee, for use in this state, if the
1 28 aggregate amount or fair-market value exceeds twenty-five
1 29 dollars in a calendar year. Loans received and loan
1 30 repayments shall be reported on a separate schedule.
1 31 b. The name and mailing address of each person to whom
1 32 disbursements or loan repayments have been made by the
1 33 electioneering committee in this state and the amount,
1 34 purpose, and date of each disbursement except that
1 35 disbursements of less than five dollars may be shown as
2 1 miscellaneous disbursements as long as the aggregate
2 2 miscellaneous disbursements to any one person during a
2 3 calendar year do not exceed one hundred dollars.
2 4 c. The amount and nature of debts and obligations owed by
2 5 the electioneering committee for electioneering communications
2 6 in this state.
2 7 5. This section shall not apply to any of the following:
2 8 a. A communication appearing in a news story, commentary,
2 9 or editorial distributed through a media organization, unless
2 10 such organization is owned or controlled by a political party,
2 11 political committee, or candidate.
2 12 b. A communication that constitutes a candidate debate or
2 13 forum conducted pursuant to rules adopted by the board, or
2 14 that solely promotes such a debate or forum and is made by or
2 15 on behalf of the person sponsoring the debate or forum.
2 16 c. A communication directed at fifty or fewer named
2 17 individuals.
2 18 d. Activities by a political committee or candidate's
2 19 committee registered under this chapter.
2 20 e. Express advocacy communications.

2 21 6. The penalty set out in section 68A.701 does not apply
2 22 to a violation of this section.

2 23 EXPLANATION

2 24 This bill regulates electioneering communications, which
2 25 are defined as communications that: (1) refer to a clearly
2 26 identified candidate for elected public office, (2) have the
2 27 effect of encouraging or discouraging a vote for the
2 28 candidate, and (3) are made within 14 days before a primary,
2 29 general, or special election for the public office sought by
2 30 the candidate.

2 31 The bill requires an organization that engages in
2 32 electioneering communications to file a statement of
2 33 organization with the ethics and campaign disclosure board
2 34 prior to making any electioneering communication. Disclosure
2 35 reports require a variety of information including the name
3 1 and mailing address of each person who gave a contribution or
3 2 contributions of money or in-kind contributions to the
3 3 electioneering committee if the aggregate amount or
3 4 fair-market value exceeds \$25 in a calendar year.

3 5 The criminal penalty normally associated with violations of
3 6 Code chapter 68A is made inapplicable to violations of the
3 7 bill. A variety of civil remedies for a violation is
3 8 available in Code section 68B.32D, ranging from a reprimand to
3 9 a civil penalty of not more than \$2,000.

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